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8 Attorneys for Plaintiff

9 UNITED STATES MAGISTRATE COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 RONALD WALKER,

16 Defendant.

No. CR-04 05 70749 WDB

17 ~~PROPOSED~~ ORDER WAIVING
PRELIMINARY HEARING DATE AND
EXCLUDING TIME FROM SEPTEMBER
29, 2005 TO OCTOBER 6, 2005 FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(b)(8)(A))

18 With the agreement of the parties, and with the consent of the defendant, the Court enters
19 this order continuing the arraignment or preliminary hearing date of September 29, 2005 at 10:00
20 a.m. to October 6, 2005 at 10:00 a.m. before the Honorable Wayne D. Brazil, as well as
21 documenting the defendant's waiver of the preliminary hearing date under Federal Rule of
22 Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. §
23 3161(b), from September 29, 2005, to October 6, 2005. The parties agree, and the Court finds
24 and holds, as follows:

- 25 1. The defendant is in custody.
- 26 2. The defendant agrees to an exclusion of time under the Speedy Trial Act based
27 upon the need for defense counsel to review discovery and conduct additional investigation
28 in order to effectively prepare the case.


3. Counsel for the defendant believe that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case before the October 6, 2005 preliminary hearing date.

4. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from September 29, 2005, to October 6, 2005, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

5. Accordingly, and with the consent of the defendant, the Court (1) continues the preliminary hearing date of September 29, 2005 to October 6, 2005 before the Honorable Wayne D. Brazil at 10:00 a.m.; and (2) orders that the period from September 29, 2005 to October 6, 2005 be excluded from the time for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A)&(B)(iv).

STIPULATED:

DATED: 9/30/05


JEROME MATTHEWS
Attorney for Defendant

DATED: 9/29/05


KIRSTIN M. AULT
Assistant United States Attorney

IT IS SO ORDERED.

DATED: October 3, 2005

